

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Customer Number: 49745
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 WANG, JIANMIN et al. : Confirmation Number: 4865
 :
 Application No.: 10/700,625 : Tech Center Art Unit: 2886
 :
 Filed: November 5, 2003 : Examiner: Akanbi, Isiaka O.
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For: OPTICAL PROFILER FOR ULTRA-SMOOTH SURFACE WITH NORMAL INCIDENT BEAM DEFLECTION METHOD

**NOTICE OF APPEAL
FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically-transmitted to the United States Patent and Trademark Office on September 21, 2009

/Michelle Melendez/

Michelle Melendez

Applicant hereby appeals to the Board of Appeals from the decision dated March 24, 2009 of the Primary Examiner finally rejecting claims 1, 5-11, 15-18, 21 and 22.

Appeal Fee: **\$540.00**

- Not required (fee paid in prior appeal in this application).
- Charge to Deposit Account No. 502624.
- Check Enclosed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,
 McDERMOTT WILL & EMERY LLP

/John A. Hankins/

John A. Hankins
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**Please recognize our Customer No. 49745
as our correspondence address.**

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 Date: September 21, 2009